

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD VAN HORN,

Plaintiff,

vs.

Case No. 12-CV-11880  
HON. GEORGE CARAM STEEH

JAMES S. WALTON, C. GOMEZ,  
FEDERAL BUREAU OF PRISONS,  
BARDSLY,

Defendants.

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ORDER ACCEPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION [DOC. 35]

This matter came before the court on plaintiff Edward Van Horn's motion for default judgment. Said motion was referred to Magistrate Judge Randon for report and recommendation. Magistrate Judge Randon recommended that plaintiff's motion be denied because defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) in lieu of an answer, as Rule 12(b)(6) contemplates. Plaintiff filed a letter with the court agreeing with the magistrate judge's analysis, and offering to withdraw his motion for default judgment.

The court has reviewed the file and magistrate judge's report and recommendation. The court accepts the report and recommendation, and orders that plaintiff's motion for default judgment be denied for the reasons given in the report and recommendation, as agreed with by plaintiff.

Accordingly,

IT IS HEREBY ORDERED that the magistrate's report and recommendation is accepted.

IT IS FURTHER ORDERED that plaintiff's motion for default judgment is DENIED.

Dated: October 10, 2012

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 10, 2012, by electronic and/or ordinary mail and on Edward Van Horn, #49115-019, L.S.C.I., Allenwood, P. O. Box 1000, White Deer, PA 17887.

s/Barbara Radke  
Deputy Clerk